

Citizens Advisory Committee on Pipeline Safety

Committee Members

Bob Beaumier, Chair • Ron Bowen, Vice-Chair
David Taylor • Ron Schmitt • Tim Sweeney
Carl Weimer • Robert Oenning • Ed Cimaroli
Jody Morehouse • Randy Tarter • Nick Peelo

Washington State Citizens Committee on Pipeline Safety

Meeting Minutes

Washington Utilities and Transportation Commission
1300 Evergreen Park Drive S.W., Olympia, WA 98504
January 26, 2015

Present members:

Bob Beaumier, Chair
Ron Bowen, Vice-Chair
Tim Sweeney
Robert Oenning
David Taylor
Carl Weimer
Jody Morehouse
Randy Tarter
Nick Peelo

Absent members:

Ron Schmitt
Ed Cimaroli

Other attendees:

David Lykken, UTC Pipeline Safety Program
Joe Subsits, UTC Pipeline Safety Program
Jim Fernald, UTC Pipeline Safety Program
Marina Woodard, UTC Pipeline Safety Program
Lynda Holloway, UTC Pipeline Safety Program
Jason Lewis, UTC Transportation Policy Advisor
Scott Zimmerman, Dept. of Ecology
Ryan Paulsen, Dept. of Ecology
Rick Kuprewicz, Accufact, Inc.
Brian Felczak, City of Kent, Office of Emergency Management
Dean French, Citizen

Agenda Items:

1. **Welcome, Meeting Protocols, Introduction and Adoption of December 2, 2014 Minutes**
The meeting was brought to order by Bob Beaumier who welcomed all attendees. In a unanimous vote, the Committee adopted the December 2, 2014, meeting minutes as written.
2. **Review and Approval of Draft 2014 Annual Report**
The draft 2014 Annual report was distributed to members. Jason noted that he received two sets of comments from committee members that consisted of mostly wording and formatting issues.

The committee discussed and reviewed the draft annual report with the following comments and suggestions:

Page 1

- No changes.

Page 2

- Fourth Paragraph – (FERC) – Carl Weimer clarified that “FERC regulates the siting of interstate natural gas pipelines...”
- Note that EFSEC specifically regulates the siting of intrastate pipelines in Washington state.

Page 3

- Jason reported that there will changes in the “Interstate Agent Agreements,” therefore he will incorporate the updated changes in the final annual report.
- Third Paragraph – Dave Lykken clarified that UTC does not develop or enforce safety standards for the interstate pipelines. UTC only inspect portions of the interstate pipelines in WA. Jason will correct and update the language accordingly.

Page 4

- Item 4 – Bob Beaumier asked Carl Weimer to provide the source of information to Jason so it can be added as a footnote at the bottom of page 4.
- Item 5 – Replace the word “historically” to “until recently.”
- Item 5 – Replace the word “PHMSA has not paid attention” to “PHMSA has not addressed.”
- New Item (Item 6) - Bob Beaumier suggested the following item to Page 4. He quoted, “*Direct integration with state and local agencies. The greater involvement and effectiveness of state, design stakeholder group such as CCOPS as well as state organization of local government or the industry have a bigger voice and impact when the level is maintained on a state level and it also enhances state and local level empowerment and it adds up to involvement and participation of an effective program.*” Bob offered to re-write his suggestion and will email the concise language to Jason. Tim disagreed in using the word “empowerment and effectiveness.” Bob noted Tim’s recommendation.

Page 5

- Bob Oenning suggested inserting a footnote concerning “public education and inter-governmental coordination” on page 5. Jason will follow-up with Bob Oenning regarding the content of the footnote.

Page 6

- Table 1 – Include Part 193 Liquified Natural Gas Facilities: Federal Safety Standards.

Page 7

- First paragraph – Replace symbol “~” with the word “approximately.”

Page 8 and 9

- No changes.

Page 10, 11 and 12

- No changes.

Page 13-16

- No changes.

Page 17

- Strike out “Advertising Campaign” update.

Page 18

- Fourth bullet – note Dave Taylor as a CCOPS members. E.g. “*CCOPS member, Dave Taylor provided a presentation from his observations....*”

Page 19

- Add new item to the “**Section V: 2015 Annual Workplan.**”
 - Item 10 - Evaluate the Federal Rulemaking Procedures.

Page 20 (last page)

- Change “*As of December 31, 2014, members were:*” to “*Members serving during 2014.*”

Action(s):

- 1) Prior to the discussion, Bob Oenning made a motion to review and approve the general contents of the report with approval by Dave Lykken, Jason Lewis, Bob Beaumier and Ron Bowen. Motion passed unanimously.
- 2) Following discussion, members moved to vote on identified changes made during the meeting to the draft annual report, draft cover letter and the distribution list. Motion passed unanimously.
- 3) Jason will email members the final draft annual report within 20 days from the date of this meeting.

3. **Review of Governor Policy RE: Communications to Federal Agencies**

Jason distributed the letter from the Office of the Governor regarding the “Federal Relations Procedures.” This was to address committee questions in regards to the Governor’s office review of any committee correspondence to federal agencies. Jason clarified that since the committee is Governor appointed, the committee is subject and adhered to the requirements outlined in the letter and corresponding procedures. (*This letter is posted on the CCOPS website*).

Following discussion, Carl is in agreement with the requirements of this protocol and does not believe it presents a problem for the committee.

In response to Bob Beaumier questions, Jason noted that he has experienced a 7 day turnaround from the Governor's office for the review process.

Bob Beaumier noted that he fully supports the Governor's procedures, however he expressed concerns regarding communication between the committee and Governor's office as it pertains to any changes in the draft correspondence.

Rick Kuprewicz provided a public comment based on his previous committee experience. He reminded the committee that they are independent body and are not part of UTC. He stressed that the committees' decisions and actions are theirs alone. Industry members (non-voting members) are set up to discuss, educate and provide technical information to the voting members.

4. **Follow-up to Foxx Letter: What's Next on Pending Federal Pipeline Safety Rules**

The letter to Secretary Foxx was sent on 12/30/2014 with copies to Governor Inslee and WA State Congressional Delegates.

Carl provided a presentation on PHMSA future pending rules that the committee might be interested in providing comments. (*This presentation is posted on the CCOPS websited*). Carl and Bob Beaumier recommended forming a sub-committee to evaluate PHMSA pending rules. Industry members were asked to submit any recommendations for consideration. Dave Lykken noted that PHMSA does not accept comments after issuing "Final Rules." However, the Proposed Operator Qualification (OQ) rule (NPRM) is currently subject to public comment. Dave noted that since the OQ is not required under 49 CFR Part 193, he recommended this may be a good topic for the committee to provide comments.

In response to Bob Beaumier's question, Dave Lykken explained his position with NAPSRS and its function. NAPSRS is the "National Association of Pipeline Safety Representatives" and is comprised of pipeline program managers from each respective state.

Action(s):

- 1) Randy Tarter, Carl Weimer and Ed Cimaroli were tasked to review the pending rules and to provide Bob Beaumier a list of priorities that can be added to the next committee meeting agenda. Bob Beaumier asked that Jason be included in this process since the committee is now getting into policy issues.
- 2) Bob Oenning recommended that the committee should also focus on the excavation enforcement issue. Bob Beaumier asked Bob Oenning and Jason to assist him in looking at the long range planning on legislative efforts.

5. **Update on Oil by Rail**

Jason gave an update on the status of the study being conducted by the Department of Ecology on oil transportation. Legislation that included many of the recommendations in the oil transportation study has been drafted as part of the Governor's oil transportation package. Some of the recommendations include additional UTC FRA-certified inspectors, access to private shippers property, opt in for first-class cities on the UTC crossing inspection program and minimum signage requirements at private crossings.

6. **By laws Discussion**

This item was not discussed due to time limitations. Refer to item 11.

7. **Emergency Response Outreach**

The speaker was not available.

8. **Dept. of Ecology (DOE) Update**

Scott Zimmerman provided an Ecology update to members. (*This document is posted on CCOPS website*).

9. **UTC Update**

- **Pipeline Safety Trust "State Program Website Transparency Survey"**
Pipeline Trust updated the "State Program Transparency Survey for 2014."
Washington now shares its top ranking with the Arkansas Public Services Commission.
- **Interstate Agent Agreement**
The CCOPS 2014 Draft Annual Report noted PHMSA's indication to possibly rescind the Interstate Agent Agreement and re-assume inspection authority over interstate pipelines. On December 2014, PHMSA released the 2015 State Guidelines with the proposed changes in Appendix B, suggesting that termination of interstate agent agreements if PHMSA has enough staff and resources to conduct inspections or investigations. Based on the changes, on December 31, 2014, UTC chairman Dave Danner submitted a letter to Mr. Zach Barrett, PHMSA State Program Director expressing concern on their draft revisions to the State Guidelines and urged PHMSA to reject any plan to terminate PHMSA's interstate agreement with Washington State.
- **Plymouth LNG Incident Updates**
This incident remains under investigation on the LNG 1 facility. PHMSA and UTC staff continue to be on-site performing the investigation. Williams plans to begin the start-up of LNG 2 facility in the next few weeks.
- **PHMSA Audit**
The pipeline program annual certification audit has been scheduled the week of July 6, 2015. The audit will include the on-site office review of written records and progress reports submitted to PHMSA. The field portion of the audit will be

performed with two UTC pipeline inspectors. The CY2014 Progress Report is due to PHMSA by February 27, 2015.

- New Hires in Pipeline Safety Program
Two new pipeline engineers were hired on December 16, 2014. The pipeline safety program now has eight full time inspectors.
- Adoption of Civil Penalty
On September 8, 2014, the commission amended and adopted WAC 480-75-250 (Hazardous Liquid), and WAC 480-93-223 (Gas), Civil Penalty for violation of chapter 81.88 RCW. These revisions increase the maximum civil penalty for violations involving gas and hazardous liquid pipeline operators, in an effort to adopt the more stringent administrative civil penalties set in Federal pipeline safety rules.

For more information regarding this adoption of civil penalties, please refer to:

- [Hazardous Liquid Civil Penalty Rulemaking, Docket PL-140104](#)
- [Gas Pipeline Civil Penalty Rulemaking, Docket PG-140105](#)

- Pipeline Safety Program 2015 Workplan
The 2015 inspection workplan was finalized in January 2015 and our pipeline engineers are now in the process of scheduling their inspections with pipeline operators.

10. **Damage Prevention – DIRT Report**

- Lynda Holloway distributed the WA State Damage Reporting “2014 DIRT Analysis, 3rd Quarter” report and gave a Powerpoint presentation information regarding damage reporting and statistics. (*This document is posted on CCOPS website*).
- Dave Lykken reported that WAC 480-93 (Gas) and 480-75 (Hazardous Liquid) have additional requirements in order for the UTC to ensure enforcement against excavator.
- Lynda noted that a dig law stakeholder meeting is scheduled for February 4, 2015, involving the core stakeholder group who were instrumental in initiating changes to the dig law in 2011.
- Ron Bowen agreed to attend the core stakeholder meeting on behalf of the committee.
- A dig law effectiveness report is due to legislature by December 1, 2015. The draft report will be circulated for comments sometime in July 2015.

11. **Other Business**

- Bob moved to re-schedule the next meeting to the fourth week of April instead of May 7, 2015. Marina will email members with the date once a meeting facility is scheduled.

Note: *Following the meeting, it was determined that a meeting room was not available. Also due to conflicts with UTC staff schedules during the month of April, it was determined that we will maintain the **May 7, 2015** meeting date.*

- Bob Beaumier requested the following procedures to be followed when preparing the future agenda. Bob suggested to incorporate the following changes into the CCOPS bylaws.
 - 1) Conference call will be held 30 days after the meeting ended.
 - 2) A 2nd follow-up meeting (conference call) will be scheduled to finalize the draft agenda.
 - 3) The finalize agenda will be sent out to members and the public two weeks prior to the meeting.
 - 4) Both conference call meeting will be attended by CCOPS chair, vice-chair, past CCOPS chair (officer) and UTC pipeline safety program staff.
- In regards to the bylaws, Marina informed Bob Beaumier that Section 10 of the current by-laws are incorrect. This section provides that the chair may ask that a member resign from the committee if they fail to attend three regularly scheduled meeting in a row. Marina stated that she had contacted the Governor's office for clarification. As a result, it was determined that the chair does not have specific authority for this action. Instead, the committee may, 1) send a letter to the Governor's office recommending member removal, or 2) send a letter to the member requesting that they step down from the committee, with a copy of the correspondence sent to the Governor's office.

Action(s):

- 1) Bob Beaumier agreed to revise the language to reflect the above mentioned changes.
 - 2) Bob Beaumier asked committee members to review the proposed bylaws and provide comments to Marina within 30 days of this meeting. Marina will forward the comments to Bob Beaumier.
- The committee proposed the following topics for consideration in the next scheduled meeting agenda.
 - GRP (Geographic Response Plan)

12. **Public Comments**
No public comments.

Adjourn
The meeting adjourned at 2:30 pm.